

REMARKS

Claims 1-14 were examined and reported in the Office Action. Claims 1, 2, 5 and 12-14 are rejected. Claims 1, 8 and 12 are amended. Claims 1-14 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. **35 U.S.C. § 102(b)**

It is asserted in the Office Action that claims 1, 2, 5 and 12-14 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent No. 6,064,224 issued to Esch, Jr. et al ("Esch"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's amended claim 1 contains the limitations of

push-up resistance adjusting means for adjusting resistances of a first and a second inner resistor based on an external reference resistor; pull-down resistance adjusting means for adjusting a resistance of a third resistor based on the second inner resistor that is adjusted by the push-up resistance adjusting means; and resistance adjustment control means for controlling the operations of the push-up resistance adjusting means and the pull-down resistance adjusting means for a predetermined commanded adjustment time.

Applicant's amended claim 12 contains the limitations of

- (a) adjusting resistances of a first and a second inner resistors based on an external reference resistor; (b) adjusting a resistance of a third resistor based on the second inner resistor that is adjusted at the step (a); and (c) controlling the steps (a) and (b) for a predetermined commanded adjustment time.

Esch discloses a circuit for calibrating drive impedances of a group of CMOS output drivers for integrated circuits.

It is asserted in the Office Action that up/down counters 116 and 136 disclosed in Esch (i.e., "inherent circuit generating CLK signal") perform a control operation of the push-up and the pull-down resistance adjusting means. In Esch, however, the up/down counters 116 and 136 control the push-up and the pull-down resistance adjusting means in response to the comparison results outputted from comparators 110 and 124. Therefore, the up/down counters 116 and 136 are corresponding to the first and the second calculating means 205 and 215 in Applicant's claimed invention.

Referring to line 26 on page 10 to line 4 on page 11 in Applicant's specification, the resistance adjustment control means receives control signals to control the push-up and the pull-down resistance adjusting means for a commanded adjustment time, not an adjustment time based on the comparison result as in Esch. Therefore, Esch does not teach, disclose or suggest "resistance adjustment control means for controlling the operations of the push-up resistance adjusting means and the pull-down resistance adjusting means for a predetermined commanded adjustment time," nor "(a) adjusting resistances of a first and a second inner resistors based on an external reference resistor; (b) adjusting a resistance of a third resistor based on the second inner resistor that is adjusted at the step (a); and (c) controlling the steps (a) and (b) for a predetermined commanded adjustment time."

Since Esch does not disclose, teach or suggest all of Applicant's amended claims 1 and 12 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Esch. Thus, Applicant's amended claims 1 and 12 are not anticipated by Esch. Additionally, the

claims that directly or indirectly depend from claims 1 and 12, namely claims 2 and 5, and 13-14, respectively, are also not anticipated by Esch for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 2, 5 and 12-14 are respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 3, 4, 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 1-14, as they now stand, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-14 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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LLP

Dated: August 2, 2005

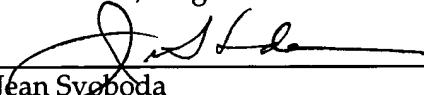
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on August 2, 2005.


Jean Svoboda